

76-6-202 Burglary.

- (1) An actor is guilty of burglary who enters or remains unlawfully in a building or any portion of a building with intent to commit:
 - (a) a felony;
 - (b) theft;
 - (c) an assault on any person;
 - (d) lewdness, a violation of Section 76-9-702;
 - (e) sexual battery, a violation of Section 76-9-702.1;
 - (f) lewdness involving a child, in violation of Section 76-9-702.5; or
 - (g) voyeurism under Section 76-9-702.7.
- (2) Burglary is a third degree felony unless it was committed in a dwelling, in which event it is a second degree felony.
- (3) A violation of this section is a separate offense from any of the offenses listed in Subsections (1)(a) through (g), and which may be committed by the actor while in the building.

Amended by Chapter 303, 2012 General Session